

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.523 OF 2006
IN
REVIEW PETITION ST.NO.12290 OF 2005
IN
WRIT PETITION NO.3910 OF 1998

Mr.Subhash Laxman Tidke : Petitioner.

versus

The State of Maharashtra & ors. : Respondents.

Smt.Neeta Karnik for the petitioner

Mr.Vinay Sonpal, AGP, for the State/Respondents.

CORAM : B.H.MARLAPALLE &
NARESH H. PATIL, JJ.

DATED : September 05, 2006.

P.C.

1. So far as Civil Application No.523 of 2006 is concerned, it is for condonation of delay. In the circumstances and looking to the explanation given in the application, the delay is condoned. Civil Application No.523 of 2006 is disposed of.

2. So far as Review Petition is concerned,

heard Smt.Karnik, the learned counsel appearing for the petitioner. Writ Petition no.3910 of 1998, filed by the petitioner, came to be decided on 3rd August 1998, by the Division Bench of this Court (Ashok Agarwal and S.S.Nijjar, JJ). As per the petitioner, subsequently Writ Petition No.3012 of 1999, filed by Jayappa Revansiddhappa Bankapure - the colleague of the petitioner for the same prayer, came to be allowed by the another Division Bench of this Court (B.N.Srikrishna & Smt.Ranjana Desai, JJ) on 4th July 2000. Review Petition No.89 of 2001 filed in Writ Petition No.3012 of 1999 came to be rejected on 12th December 2002 and, Petition for Special Leave to Appeal (Civil) No.5984 of 2003 was also dismissed by the Supreme Court on 30th June 2003. Smt.Karnik, the learned counsel for the petitioner, therefore, prays that the view taken by this Court in Writ Petition No.3012 of 1999 is applicable to the petitioner's case as well as notwithstanding the fact that his petition was dismissed by this Court in earlier point of time and, therefore, the said writ petition is required to be restored and decided on merits.

2. It is well settled that the decision in the subsequent petition cannot be a ground for review of an order passed by this Court. Nonetheless, the petitioner has a remedy to approach the Maharashtra Administrative Tribunal with a fresh petition and make out a case in support of his claim on the basis of law prevailing as at present and, if such a petition is moved by the petitioner within a period of eight weeks from today, the same is to be considered on its own merits.

3. The Review Petition is disposed of in terms of the above order.

[NARESH H. PATIL, J]

[B.H.MARLAPALLE, J.]